IN RE: PETITION FOR ADMIN.VARIANCE SE/S Eastern Avenue, 1050 ft. +/-NE of Brinkmans Road 12501 Eastern Avenue 15th Election District 5th Councilmanic District

5" Councilmanic District Charles M. Anderson, et ux, Petitioners ' BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 99-300-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Charles M. Anderson and Betty J. Anderson, his wife, property owners, for that property known as 12501 Eastern Avenue in the Middle River section of eastern Baltimore County. The Petitioners seek a variance from Section 400.2 of the Baltimore County Zoning Regulations (BCZR), to allow an accessory structure (pole barn) with a height of 18 ft. in lieu of the maximum permitted 15 ft., in a D.R.5.5 zone. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Area and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said



findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this ______ day of March 1999, that the Petition for an Administrative Variance from Section 400.2 of the Baltimore County Zoning Regulations (BCZR), to allow an accessory structure (pole barn) with a height of 18 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

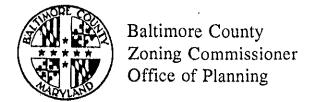
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3. Compliance with the Dept of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR

BALTIMORE COUNTY

LES:mmn





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

March 4, 1999

Mr. and Mrs. Charles M. Anderson 12501 Eastern Avenue Baltimore, Maryland 21220

RE: Petition for an Administrative Variance

Case No. 99-300-A

Location: 12501 Eastern Avenue

Dear Mr. and Mrs. Anderson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn Encl.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 18501 EASTERN AVE which is presently zoned ResidentiaLD

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.2 To allow an accessory Structure (pole barn) with a height of 18 st. in lieu of the of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s):

Name - Type or Print Signature Address Telephone No. City State Zip Code Attorney For Petitioner: Telephone No. Name - Type or Print Representative to be Contacted: Signature Company Name Address Address Telephone No Telephone No. City State Zip Code City Zip Code State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

regulations of Baltimore County and that the property be reposted.

	Zoning Commissioner of Baltimore County
CASE NO. 99-300-A	Reviewed By 201 Date 2-4-99
REV 9/15/98	Estimated Posting Date 2-14-99
	•

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	12501	Eastern	Ave		
	Baltin	nore Co.	MD State	···	21226
That based upon personal knowledge, the follo Variance at the above address (indicate hardsh	owing are the fa	acts upon which	Otato	request for an A	dministrative
We plan to put up	a pole	barn u	thich is	18'1" at	height.
Baltimore Co. only Allow	ws 15'	Builder	- SAYS	if we ch.	Awge
the roof pitch any Lou	er we	will pro	bably i	have pho.	blems
with snow damage in	future.	Also we	WANT H	ne 12' WALL	15 to
Accomodate ANY MACH	invery 1	uill be	using in	the futu	ive
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional infor	is filed, Affiant(mation.	s) will be requ	uired to pay a re	posting and
Charles M Chroleise		Bell	ty and	esan	
Charles M. Anderson Name-Type or Print		Betty Name - Type or	1 J. Awde Print		
				· • • • • • • • • • • • • • • • • • • •	
STATE OF MARYLAND, COUNTY OF BALTIN	NORE, to wit:				
HEREBY CERTIFY, this 19 day of 5 day of Maryland, in and for the County aforesaid, pe	rsonally appea	red , 199	∑_, before me	, a Notary Public	of the State
the Affiant(s) herein, personally known or satisfaw that the matters and facts hereinabove set for	factorily identifi orth are true ar	ed to me as sui	ch Affiant(s), a best of his/her/	nd made oath in their knowledge a	due form of and belief.
AS WITNESS my hand and Notarial Seal		Polote	O Lin		
Date /		y Public	9/1	/2000	
	IVIY C	ommission Expir	es	100/	

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	/ 2501 EASTE Address	RN AUE	
			0.55
	Baltimure city	MD State	<i>□ (∂,∂,</i> 2 () Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardship	wing are the facts upon ip or practical difficulty):	which I/we base the req	
We plan to pot upa pole			
Balto, Co. only Allows 15!			•
pitch Any Lower we wi	11 probably	have snow e	lamage
in future, Also we war	nt the 12' w	alls to Acco	madate
any machinery we will	be using in	. future	
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a Signature Charles M. Awderson Name - Type or Print	additional information.	Affiant(s) will be required	er_
STATE OF MARYLAND, COUNTY OF BALTIN	IORE, to wit:		
of Maryland, in and for the County aforesaid, per	rsonally appeared		Notary Public of the State
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set for	actorily identified to me orth are true and correct	as such Affiant(s), and n to the best of his/her/thei	nade oath in due form of r knowledge and belief.
AS WITNESS my hand and Notarial Seal	\bigcirc \bigcirc	- 0	,
1/19/89	Kaliti	2 Vironana	
Date	Notary Public	n Expires 9/1/200	
R8V 09115198	My Commission	n ⊨xpires <u>/// ⊶or</u>	
repart - treftfer			



CASE NO.

REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>[250] Eastern Ave.</u>
which is presently zoned <u>Residential DR-5.5</u>

Zoning Commissioner of Baltimore County

Reviewed By _______
Estimated Posting Date _____

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400, 2 To allow an accessory Structure (pole barn) with a height of 18ft, in lieu of the maximum permitted 15 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	e legal owner(s) of the	
Contract Purchaser/Le	essee:		Legal Owner(s):		
lame - Type or Print			Name Type or Print	My Le	No-
ignature			Signature P	DERSON	
ddress	- · · · · · · · · · · · · · · · · · · ·	Telephone No.	Name - Type or Print	leson	
City	State	Zip Code	Signature //	CLOUP	
Attorney For Petitione	r:		<u> </u>	CKN Ave a	40335-670/ Telephone No.
lame - Type or Print			<u> 13alto.</u>	MD State	ス/2つつ Zip Code
ignature		··	Representative to	be Contacted:	
ompany		·····	Name		
ddress		Telephone No.	Address		Telephone No.
ity	State	Zıp Code	City	State	Zip Code
Public Hearing having been is day of egulations of Baltimore County a	- 11	at the eublect matter of t	required, it is ordered by the his petition be set for a public he	Zoning Commissioner of aring, advertised, as re-	of Baltimore County, quired by the zoning

#300

ZONING DESCRIPTION

12501 Eastern Ave.

Beginning at a point on the south east side of Eastern Ave. 1050 ft. I northeast of Brink mans Rd. Thence running northeast 222 ft. thence south east 212 ft. t, thence south -west 210 ft. t Hence northeast 233 ft to the point of beginning. Containing 32,000 sq pt. I and located in the 15th Election District of Baltimo County.

BALTIMORE COUNTY, OFFICE OF BUDGET & FINA MISCELLANEOUS REC	INCE NO. UDADOS	FATT RETETT 190035 ACTOR UP 2005-1999 20071999 15-21-59
DATE	ACCOUNT 1 - 271-6150	RT USON CASHIER MUEL MAN DRAWLE TO SHIBCLLIANDHO CASH MIDETAL OFFICE RELEASE A CASHA
FOR: 2 5 CO	A Varince Ally Para	19.300 -A
DISTRIBUTION WHITE CASHER PINK - AGEN	CY YELLOW - CUSTOMER	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 99-300-A
PETITIONER/DEVELOPER:
(Betty Anderson)
DATE OF Closing
(Mar 1, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 12501 Eastern Ave. Baltimore, Maryland 21220_______

The sign(s) were posted on_____ 2-12-99______

Sincere

(Signal

Bal

Sincerely,

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr._____

325 Nicholson Road____

Baltimore, Maryland 21221___

(410)-687-8405____

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

1 4

Case Number 99- 300 A Address 1250/ Eastern Ave.
Contact Person: John Sullivan Phone Number: 410-887-339 Planner, Please Print Your Name
Filing Date: 2-4-99 Posting Date: 2-14-99 Closing Date: 3-1-99
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. An reposting must be done only by one of the sign posters on the approved list and the petitione is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
 DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (conder that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 300 A Address 12501 Eastern Ave
Petitioner's Name Cha-les & Betty Anderson Telephone 335-6701
Posting Date: 2-14-99 Closing Date: 3-/-99
Wording for Sign: To Permit an accessory Structure (pole horn)
Wording for Sign: To Permit an accessory structure (pole horn) with a height of 18ft, in lieu of the maximum permittee
15 ft.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

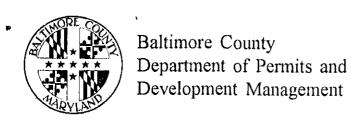
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-300-9
Petitioner: M. & Mrs. Anderson Address or Location: 1250/ Eastern que.
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address: Same
Ba (40, nd, 21220
Telephone Number: (410) 335-6701



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

March 1, 1999

Mr. & Mrs. Charles M. Anderson 12501 Eastern Avenue Baltimore, MD 21220

RE: Case No.: 99-300-A

Petitioner: Charles M. Anderson Location: 12501 Eastern Avenue

Dear Mr. & Mrs. Anderson:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on February 4, 1999.

The Zoning Advisory Committee (ZAC), which consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor

W. Carl Kehards / M.

Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: 2/25/99

FROM:

R. Bruce Seeley, Project Manager 201/10
Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 2/15/99

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

302 303



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MATE STOP:1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 15, 1999

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time in reference to the following item numbers:

291, 292, 293, 294, 295, 296, 297, 299, 300 AND 303

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS 1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: February 23, 1999

Department of Permits & Development

Management

FROM: Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 22, 1999

Items Nos. 291, 292, 293, 294, 295, 296, 300, 301, 303 and Case No. 99-280-X

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZONE0222.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: February 16, 1999

TO: Arnold Jablon, Director
Department of Permits
and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

ITEM NO. 300

The Office of Planning supports the applicant's request subject to the following condition:

The petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Jaffy W. Lan

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 2.16.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 300

115

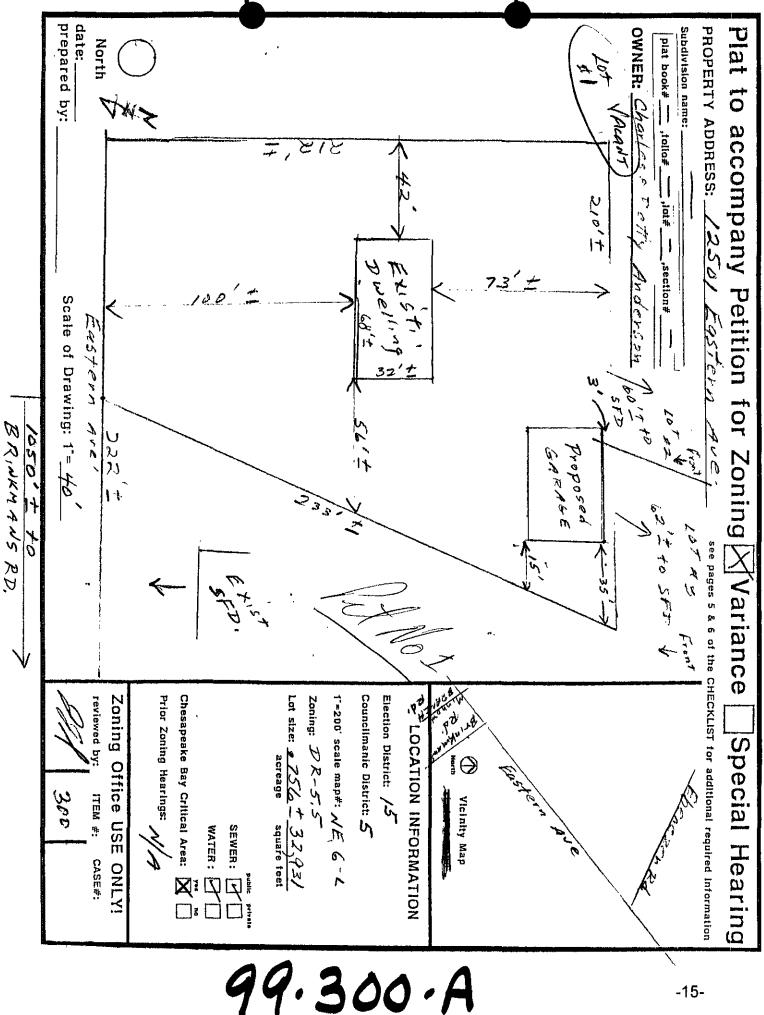
Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

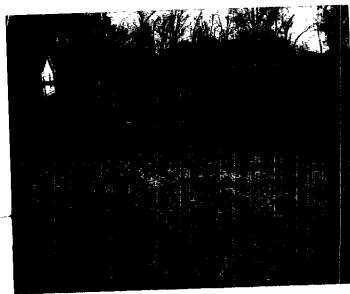
Very truly yours,

I. J. Hardhart, Acting Chief Engineering Access Permits Division



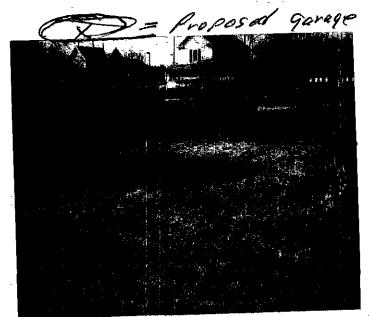
-15-

New from Eastern Ave,



View from Eastern Are.

= Proposed garage



View from Lot #3 Looking towards Eastern Ave

99.300-A

